

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal No. 2:07 CR 12
(Maxwell)**

RONALD CHRISTOPHER MAYLE,

Defendant.

ORDER

By Order entered May 2, 2007, the Court referred any pre-trial motions to be filed on behalf of either the United States of America or the Defendant in the above-styled criminal action to United States Magistrate Judge John S. Kaull, pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B), and authorized Magistrate Judge Kaull to conduct any necessary hearings in resolving said motions or in preparation for submission of proposed findings of fact and recommendation for disposition.

On July 31, 2007, a Motion to Dismiss Count Two was filed on behalf of the United States in the above-styled criminal action (See Docket No. 32). In its Motion To Dismiss Count Two, the United States moved the Court to dismiss Count Two of the Indictment in the above-styled criminal action in light of the fact that said Count was supported by Grand Jury testimony given by a witness who contradicted his testimony in an earlier statement given to the Barbour County Sheriff.

The docket in the above-styled criminal action reflects that a hearing on the United States' Motion To Dismiss Count Two was conducted by United States Magistrate Judge John S. Kaull on July 31, 2007.

Thereafter, on August 15, 2007, Magistrate Judge Kaull entered a Report And Recommendation/Opinion wherein he recommended that the Court grant the United States' Motion To Dismiss Count Two.

Magistrate Judge Kaull's Report And Recommendation/Opinion advised the parties, pursuant to 28 U.S.C. § 636(b)(1), that any objections to said Report And Recommendation/Opinion which were not filed, in writing, with the Clerk of Court within ten (10) days after being served with a copy of said Report And Recommendation/Opinion would be waived.

The docket in the above-styled criminal action reflects that no objections to Magistrate Judge Kaull's Report And Recommendation/Opinion have been filed.

Upon consideration of said Report and Recommendation/Opinion, and having received no written objections thereto¹, the Court accepts and approves the Report And Recommendation/Opinion. Therefore, it is

ORDERED that Magistrate Judge Kaull's Report And Recommendation/Opinion (Docket No. 36) be, and is hereby, **ACCEPTED** in whole. It is further

ORDERED that the United States' Motion To Dismiss Count Two (Docket No. 32) be, and the same hereby is, **GRANTED** in accordance with the recommendation of United States Magistrate Judge John S. Kaull.

The Clerk of Court is directed to transmit copies of this Order to counsel of record in the above-styled criminal action.

ENTER: September 5th, 2007


United States District Judge

¹The failure of the parties to object to the Report And Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).